IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 1ST DECEMBER 2006 /]0TH AGRAHAYANA 1928

WP(C).No. 27355 of 2006(F)

PETITIONER:
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1. MADATHINKEEZHIL SREEDHARANUNNI -
   MOOPIL NAIR, S/O.VASUDEVAN MOOSATH,
   MUTTANNUR P.O., VIA MANGALAM,
   MALAPPURAM DISTRICT.

2. MADATHINKEEZHIL JAYAGOPALAN UNNI,
   S/O.LATE P.K.K.NAIR, MUTTANNUR P.O.,
   VIA MANGALAM, MALAPPURAM DISTRICT.

3. MADATHINKEEZHIL CHANDRASEKHARAN,
   S/O.RAMACHANDRA MENON, MUTTANNUR P.O.,
   VIA MANGALAM, MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI

RESPONDENTS:
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1. THE COMMISSIONER, HR & CE DEPARTMENT,
   KOZHIKODE.

2. THE DEPUTY COMMISSIONER,
   HR & CE (ADMINISTRATION DEPARTMENT),
   KOZHIKODE.

3. ACHIKULATH MOHANDAS,
   S/O.MADATHINKEEZHIL KUNCHUNNI NAIR,
   MUTTANNUR P.O., VIA MANGALAM,
   MALAPPURAM DISTRICT.

R1 & R2 BY GOVT.PLEADER SRI M.R.SABU
R3 BY ADV. SRI.MOHAN C.MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON 1/12/2006 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT IN O.A.NO.28/06 DTD.M9/10/2006 & ENGLISH TRANSLATION.

EXT.P2 TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DTD. NIL IN O.A.NO.28/06 & ENGLISH TRANSLATION.

RESPONDENTS' EXTS:

EXT.R2A COPY OF THE ORDER DTD. 4/10/06 IN O.A.20/03.

EXT.R2B COPY OF THE REPORT ALOING WITH CHARGE LIST SUBMITTED BY THE FIT PERSON.

EXT.R2B(1) TRUE TRANSLATION OF DOCUMENT EXT.R2B).

V.K.BALI, C.J. & P.R.RAMAN, JJ.

W.P.(C).NO.27355 OF 2006

Dated this the 1st day of December, 2006

JUDGMENT

Raman,J.

Petitioners, who are members of Madathinkeezhil Tharavad at Purathur in Tirur Taluk. They are the "Ooralans" of Sree Bhayankavu Bhagavathy Temple. The 3rd respondent filed a petition before the 2nd respondent under Section 57(a) of the HR & CE Act as O.A.No.20/2003. The 2nd respondent passed an order declaring that the temple is a public temple. Subsequently, the 2nd respondent also initiated suo motu proceedings as O.A.No.28/2006 for framing a scheme for the management of the temple. In that proceedings an interim order was passed appointing a fit person for the management of the affairs of the temple. This order is under challenge.

2. When the matter came up for admission, stay of operation of Ext.P2 was granted. According to the petitioners, the matter is now posted for hearing on 11/12/2006. In the circumstances, it is not necessary to go into the merits of the contentions. All that is required is to direct consideration of the objection, if any, of the petitioners and to pass final orders thereon. Since the matter is already posted to 11/12/2006, the interim stay granted by this Court will stand extended till the consideration of the objection by the petitioners as aforesaid.

With the above direction this writ petition is closed.

V.K.BALI,
CHIEF JUSTICE.

P.R.RAMAN,
JUDGE.

kcv.